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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,022	08/01/2001	Gregory Ramonowski	KREA-0004	5440

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EXAMINER

WILSON, JACQUELINE B

ART UNIT PAPER NUMBER

2612

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/920,022

Applicant(s)

RAMONOWSKI ET AL.

Examiner

Jacqueline Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Strub et al. (US 6,563,532).**

Regarding Claim 1, Strub et al teaches a data recorder (col. 73, lines 1-5) coupled to a camera (fig. 9A; 953) by a strap (951b). Since the strap is coupled to the body of the user, the limitation of the strap is adapted to being coupled to a head of the user is met since the device is worn on the body.

3. **Claims 2-5, 7, 9, 11-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Helmsderfer (US 6,028,627).**

Regarding Claim 2, Helmsderfer teaches a head assembly for securing to a head of a user (fig. 1, 12), a data recorder coupled to the head assembly (50) and a camera communicative with the data recorder coupled to the head assembly (18).

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Regarding Claim 3, Helmsderfer teaches a power source for the camera and the data recorder (col. 9, lines 21-50).

Regarding Claim 4, Helmsderfer teaches the data recorder is coupled to a housing of the head assembly (via 52; see fig. 1).

Regarding Claim 5, Helmsderfer teaches the camera is coupled to a housing of the head assembly (via 16).

Regarding Claim 7, Helmsderfer teaches an audio receiving element (referred to as microphone 54).

Regarding Claim 9, Helmsderfer teaches a first assembly (12), a first housing (21), a second housing (22), a second assembly (20), a data recorder coupled to one of the first assembly, second assembly and the at least one housing (50 coupled to first housing and second assembly via 30), and camera coupled to one of the first assembly, second assembly and the at least one housing (18 is coupled to second assembly 20), wherein the camera communicates with the data recorder (via 52).

Claim 11 is analyzed and discussed with respect to Claim 7. (See rejection of Claim 7 above.)

Claim 12 is analyzed and discussed with respect to Claim 3. (See rejection of Claim 3 above.)

Regarding Claim 14, Helmsderfer teaches means for attaching to a head of a user (helmet 12), means for recording data (recording unit 50), means for attaching the means for recording data to the means for attaching (52), and means for receiving video

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data for recording by the means for recording (using camera 18 transferring video through 52).

4. Claims 15-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Jones (US 6,292,213).

Regarding Claim 15, Jones teaches a head assembly in the form of a strap for mounting to a head of a user (referred to as head band (col. 6, line 53), a first housing coupled to the head assembly (interpreted as the casing which houses the camera 12), a second housing coupled to the head assembly (although fig. 7 shows a goggle mounting arrangement 89, it is inherent that another arrangement is used to couple the camera to the strap), a camera couple to one of the first and second housing (camera is coupled to the housing of 12 internally), and a digital data recorder communicative with the camera for digitally recording video (col. 8, lines 19+).

Regarding Claim 16, Jones inherently teaches the digital data recorder (16) is coupled to one of the first and second housing since video signals captured by the camera is stored.

Regarding Claim 18, Jones teaches an audio receiving element (col. 7, lines 5+).

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmsderfer in view of Tsuboi et al. (US 5,610,678).**

Regarding Claim 6, Helmsderfer fails to specifically teach an infrared sensor for receiving signals for controlling at least one of the camera and the recorder. However, Tsuboi et al teaches that it is well known in the art to use a remote controller (303) to operate the camera (col. 6, lines 12+). Although it is not specifically disclosed that infrared sensors are present, one having ordinary skill in the art would recognize that to communicate wirelessly, infrared sensors are used to control remote devices. This enables a remote user to manipulate the camera as desired. Therefore, it would have been obvious to one having ordinary skill in the art to include an infrared sensor for receiving signals for controlling at least one of the camera and the data recorder.

Claim 10 is analyzed and discussed with respect to Claim 6. (See rejection of Claim 6 above.)

7. **Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helmsderfer in view of Strub et al (US 6,563,532).**

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Regarding Claim 8, Helmsderfer fails to specifically disclose the data recorder is digital. However, Strub et al teaches that is well known in the art to use a digital disk recorder (col. 19, lines 40+). It is advantageous to use a digital disk recorder for the purpose of consuming less power, being compact in size, and able to be conveniently transportable (col. 29, lines 3+). Therefore, it would have been obvious to one having ordinary skill in the art to use a digital data recorder.

Claim 13 is analyzed and discussed with respect to Claim 8. (See rejection of Claim 8 above.)

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 6,292,213) in view of Tsuboi et al. (US 5,610,678).

Regarding Claim 17, Jones fails to specifically teach an infrared sensor for receiving signals for controlling at least one of the camera and the recorder. However, Tsuboi et al teaches that it is well known in the art to use a remote controller (303) to operate the camera (col. 6, lines 12+). Although it is not specifically disclosed that infrared sensors are present, one having ordinary skill in the art would recognize that to communicate wirelessly, infrared sensors are used to control remote devices. This enables a remote user to manipulate the camera as desired. Therefore, it would have been obvious to one having ordinary skill in the art to include an infrared sensor for receiving signals for controlling at least one of the camera and the data recorder.

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9. **Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 6,292,213).**

Regarding Claim 19, Jones teaches the power source provides power to the data recorder (16) and the CCD control pack (14; col. 6, lines 62+). Although Jones does not specifically teach power supplied to the camera, it would have been obvious to for the battery pack to perform this function. Jones shows in figure 3 that the CCD control Module (14') sends signals to the CCD camera head (12) via the BUS. One having ordinary skill would recognize that power might also be transmitted to the camera for operation. This reduces the number of power sources of the device. Therefore, it would have been obvious to one having ordinary skill in the art to have at least one power source to provide power to the camera and the data recorder.

Conclusion

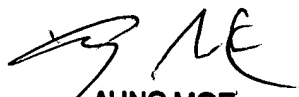
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Wilson whose telephone number is (703) 308-5080. The examiner can normally be reached on 8:30am-5:00pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JBW
07/07/04


AUNG MOE
PRIMARY EXAMINER